

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla,
Rio Brazos, Rutheron & Plaza Blanca,
Cañones Creek, Village of Chama

MOTION TO SET ASIDE ENTRY OF DEFAULT

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and pursuant to Fed. R. Civ. P. 55(c) respectfully requests the Court to set aside the entry of default for the following defendants in the Rio Brazos subsection of Section 7:

Lizette M. Martinez CHCC-003-0003

Marcus J. Martinez CHCC-003-0003

Michael A. Martinez CHCC-003-0003

Deborah L. Martinez CHCC-003-0003

As grounds therefore Plaintiff states:

1. The Clerk’s Certificate of Default with respect to the above-name defendants was entered on October 2, 2006 (Doc. No. 8400).
2. The above-named defendants have approved the State’s Consent Order with respect to subfile CHCC-003-0003.
3. The entry of default with respect to the above-named defendants should be set aside.

WHEREFORE, the Plaintiff State of New Mexico *ex rel.* State Engineer requests the Court to set aside the entry of default for the above-named defendants.

DATED: November 15, 2007

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444 phone
(505) 867-2299 facsimile

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of November, 2007 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Lizette M. Martinez
Marcus J. Martinez
10121 Signal Ave. NE
Albuquerque, NM 87122

Michael A. Martinez
Deborah L. Martinez
11407 Del Rey Ave. NE
Albuquerque, NM 87122